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From: American Oversight FOIA <foia@americanoversight.org>
Sent: Wednesday, November 01, 2017 1:41 PM
To: Usdafoia - Ocio; ED Foia Manager; FOIA HQ; OS FOIA Request (HHS/ASPA);
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foiarequests@dol.gov; Ost. Foia; treasfoia@treasury.gov; vacofoiaservice@va.gov; FN-OMB-FOIA; FOIArequest@state.gov
Subject: FOIA Request: MULTI-17-0468-0490
Attachments: MULTI-17-0468-0490.pdf

Dear FOIA Officers:

Please find attached a request for records under the Freedom of Information Act.

Sincerely,

Sara Creighton
Counsel
American Oversight
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FOIA Officer
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FOIA Officer
Office of Science and Technology Policy
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Washington, DC 20504
ostpfoia@ostp.eop.gov

USTR FOIA Office, GSD/RDF
Attn: Chief FOIA Officer, Janice Kaye
Office of the U.S. Trade Representative
Anacostia Naval Annex, Bldg. 410/Door 123,
250 Murray Lane SW
Washington, DC 20509
FOIA@ustr.eop.gov

Office of FOIA Services
Securities and Exchange Commission
100 F Street NE
Washington, DC 20549-2736
Via Online form

Chief, FOIA/Privacy Act Office
U.S. Small Business Administration
409 3rd Street SW, 8th Floor
Washington, DC 20416
Via FOIAOnline

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
SA-2, Suite 8100
Washington, DC 20522-0208
FOIArequest@state.gov

Re: Freedom of Information Act Request

Dear Freedom of Information Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, American Oversight makes the following request for records. The records requested herein may reside in multiple components or offices within your agency. We ask that you coordinate this request across your agency in your role as the agency's FOIA contact.

New occupants of the White House routinely redecorate and renovate both the office and living spaces of the White House and adjacent offices, often at significant cost to taxpayers.¹ American Oversight seeks to investigate whether other agencies of the federal executive branch have similarly used—or contemplated using—taxpayer funds to renovate, remodel, or redecorate office space.

Requested Records

American Oversight requests that your agency produce the following within twenty business days:

- 1) All records reflecting any actual or projected expenditures for renovations (including remodeling or changes to decor) of any part of the office suites (including foyers, waiting rooms, conference rooms, adjacent hallways, or other common areas) for any individuals in, or acting in, Senate-confirmed (PAS) positions at your agency.
- 2) All communications relating to actual or potential renovations (including remodeling or changes to decor) of any part of the office suites (including foyers, waiting rooms, conference rooms, adjacent hallways, or other common areas) for any individuals in, or acting in, Senate-confirmed (PAS) positions at your agency.

Please provide all responsive records from January 20, 2017, to the date the search is conducted.

¹ See, e.g., Kenzie Bryant, *How the Trumps Spent Nearly \$2 Million Redecorating the White House*, VANITY FAIR (Oct. 26, 2017, 6:11 PM), <https://www.vanityfair.com/style/2017/10/how-the-trumps-spent-nearly-2-million-redecorating-the-white-house>; Betsy Klein, *White House Shows Off New West Wing Renovations*, CNN POLITICS (Aug. 24, 2017, 4:23 PM), <http://www.cnn.com/2017/08/24/politics/white-house-west-wing-renovations-trump-wallpaper/index.html>; Sheryl Gay Stolberg, *A New Look for the Oval Office*, N.Y. TIMES (Aug. 31, 2010, 11:03 AM), <https://thecaucus.blogs.nytimes.com/2010/08/31/a-new-look-for-the-oval-office/>; Sam Dangremond, *The Oval Office Through the Years, in Photos*, TOWN & COUNTRY, Aug. 24, 2017, <http://www.townandcountrymag.com/society/politics/g12090469/oval-office-pictures-through-the-years/>.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA.² It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.³**

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively**

² See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹⁰ American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,¹¹ American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ's process for ethics waivers.¹² As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.¹³

Accordingly, American Oversight qualifies for a fee waiver.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact me at foia@americanoversight.org or (202) 869-5246. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Sara Kaiser Creighton
Counsel
American Oversight

¹⁰ American Oversight currently has approximately 11,600 page likes on Facebook and 36,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Oct. 31, 2017); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Nov. 1, 2017).

¹¹ *DOJ Civil Division Response Noel Francisco Compliance*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

¹² *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹³ *Audit the Wall*, AMERICAN OVERSIGHT, www.auditthewall.org.